

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS)	
Plaintiff)	
v.)	Civil Action: 04-30126-MAP
CARDIAC SCIENCE, INC., <i>et al.</i>)	
Defendants)	<u>JUDGMENT ENTRY</u>
)	

WHEREFORE, this Court hereby grants Plaintiff Donald C. Hutchins' Motion for Summary Judgment against the Compliant Corporation. It is the order of this Court that a summary judgment is entered as follows:

- (a) that Defendant Compliant Corporation as the successor to County Line Limited has breached its 1994 License with Donald C. Hutchins because it never provided written notice to Hutchins of the transfer of assets to Cardiac Science, it has paid no royalties or sent quarterly reports to Hutchins, it has not paid the agreed upon patent license fees since September of 2003 nor has it paid the \$10,000 minimum royalty payment to Hutchins for 3-years thereby breaching the June 1, 1994 Agreement.
- (b) that the Licensee as successor to County Line Limited did not notify Hutchins of the existence and terms of the APA between Cardiac Science and Compliant. The Licensee did not notify Hutchins about the transfer of Hutchins' properties to Cardiac Science either prior to, during or after October of 2003 thereby breaching the June 1, 1994 Agreement.
- (c) that the undisputed facts show that the Compliant Corporation has never provided Hutchins with written notice that it intended to close its Cleveland office and suspend its sales of Hutchins' licensed products in breach of the June 1, 1994 Contract.

(d) In that the Plaintiff accepts that there is no hope of collecting from the insolvent Compliant Corporation and he is willing to treat the 7.5% return from Compliant as moot in favor of being awarded the aforementioned undisputed claims of breach of contract found in (a), (b) and (c).

IT IS SO ORDERED.

Justice of the United States District Court

Dated: _____